IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 11876 of 2002

Between:

1 D.A.Papanna Gupta, S/o. D.A. Narayana Gupta,
R/o. D.No. 13/55, B.K.N.Street, Cuddpah.
2 D.Ananda Rao, S/o. D.A.Narayana Gupta,
R/o. D.No. 13/55, B.K.N.Street, Cuddpah.

..... PETITIONERS

AND

1 The District Collector,
Cuddapah, Cuddapah District.
2 The Revenue Divisional Officer,
Cuddapah, Cuddapah District.
3 The Mandal Revenue Officer,
Cuddapah, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature Writ of Mandamus declaring the action of the respondents in allowing the 3rd parties to encroach upon Petitioners' Land in Sy.No.47/1 and 47/2 of Cuddapah Town by assigning land in Sy.No.46 of Cuddapah town without there being land as per the assignment in Sy.No.46 of Cuddapah Town and also in not taking any steps as per the decree passed in O.S.No.217/92 on the file of the III Additional District Munsif, Cuddapah though the respondents were held as necessary parties in the suit as illegal, unjust, arbitrary and against statutory provisions and against Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to remove the encroachments of 3rd parties in the Petitioners' patta land in Sy No.47/1 and 47/2 of Cuddapah Town as per the Decree in O.S.No. 217/92, dated 5-10-1996 on the file of the III Additional District Munsif, Cuddapah.

For the Petitioners: Mr.L.J.Veera Reddy, Advocate.
For the Respondents: GP for Assignment.

The Court made the following:

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ORDER:

This writ petition has been filed by petitioners who are two in number with a relief to issue a writ or order or direction more particularly one in the nature of Mandamus declaring the action of the respondents in allowing third parties to encroach upon their land in Sy.Nos.47/1 and 47/2 of Cuddapah Town by assigning land in Sy.No.46 of Cuddapah town without there being land as per the assignment in Sy.No.46 of Cuddapah town as arbitrary and illegal.

The case of the petitioners in nutshell is that government has assigned house site pattas in S.No. 46 and that the assignees are encroaching their land. It is also the case of the petitioners that they filed O.S No. 217 of 1992 on the file of the III Additional District Munsif, Cuddapah against the State of Andhra Pradesh represented by the District Collector, Cuddapah; Revenue Divisional Officer, Cuddapah; Mandal Revenue Officer, Cuddapah and 29 others for mandatory injunction directing for removal of unauthorized constructions thereon. The suit filed by them came to be decreed on 05-10-1996.

The respondents filed a counter affidavit. It is stated in the counter affidavit that notices have been issued to the assignees who encroached on the rastha under Section 7 of the Andhra Pradesh Land Encroachment Act on 14-07-2002.

Learned counsel appearing for the petitioners submits that the respondents are not taking any action in evicting the encroachers from the lands. Whereas, it is submitted by the learned Government Pleader for Assignments appearing for the respondents that notices under section 7 of the Andhra Pradesh Land Encroachment Act have been issued to the assignees, who have occupied the rastha, on 14-07-2002.

So far as the eviction of any third parties from the private lands of the petitioners, it is not the concern of the respondents. So far as the rastha is concerned, the respondents have already served notices to the encroachers under Section 7 of the Andhra Pradesh Land Encroachment Act. When such is the situation, the writ petition can be disposed of directing the respondents to pass appropriate orders in pursuance of the notices issued to the encroachers on 14-07-2002 within two weeks from the date of receipt of a copy of this order.

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29-06-2005

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To

1 The District Collector,
Cuddapah, Cuddapah District.
2 The Revenue Divisional Officer,
Cuddapah, Cuddapah District.
3 The Mandal Revenue Officer,
Cuddapah, Cuddapah District.

4 Two CCs to the Government Pleader for Revenue,

High Court of A.P., Hyderabad (OUT).

5 Two CD copies.